

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE PLUMBERS LOCAL
UNION NO. 1 WELFARE FUND, ADDITIONAL
SECURITY BENEFIT FUND, VACATION &
HOLIDAY FUND, TRADE EDUCATION FUND
AND 401(K) SAVINGS PLAN, et al.,

06 CV 173 (SJ)(JO)

ORDER

Plaintiffs,

- against -

DAN YANT, INC., et al.,

Defendants.
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A P P E A R A N C E S:

BARNES, IACCARINO, VIRGINIA, AMBINDER & SHEPHERD, PLLC
Trinity Centre
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Suite 1403
New York, NY 10006
By: Charles R. Virginia, Esq.
Yongmin Oh, Esq.
Attorneys for Plaintiffs

JOHNSON, Senior District Judge:

Before the Court is a Report and Recommendation (the "Report") prepared by Magistrate Judge James Orenstein. Judge Orenstein filed the Report on September 24, 2007, and provided the parties with the requisite amount of time to file any objections. No objections have been filed.

A district court judge may designate a magistrate judge to hear and determine certain motions pending before the Court and to submit to the Court

proposed findings of fact and a recommendation as to the disposition of the motion. See 28 U.S.C. § 636(b)(1). Within 10 days of service of the recommendation, any party may file written objections to the magistrate's report. Id. Upon *de novo* review of those portions of the record to which objections were made, the district court judge may affirm or reject the recommendations. Id. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140, 150 (1985).

As mentioned, no objections were filed within the allotted time period. Upon review, the Court adopts and affirms the Report. The claims against defendant Daniel Nyante are dismissed with prejudice. Default judgment is entered against defendant Dan Yant, Inc., in the amount of \$108,400.63, which consists of unpaid contributions in the amount of \$70,209.21, interest in the amount of \$9,482.68, liquidated damages in the amount of \$17,866.75, nothing in "lost earnings," audit fees in the amount of \$6,559.14, attorneys' fees in the amount of \$3,932.85, and other litigation costs in the amount of \$350.00. The Clerk of the Court is directed to close the case.

SO ORDERED.

Dated: October 12, 2007
Brooklyn, NY

S/ Sterling Johnson, J

STERLING JOHNSON, JR.
Senior United States District Judge